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ABSTRACT

This report discusses four bills that have been introduced to the House of Representatives to amend Title IV of the United States Code to declare English as the official language of the United States, as well as for other purposes. The first two bills, H.R. 123 and H.R. 345, are both entitled the Language Government Act. they are very similar in that they recognize the ethnic, cultural, and linguistic diversity of the United States and propose the declaration of English as the official language of the United States as a means to unify the nation. H.R. 739, entitled the "Declaration of Official Language Act" was submitted to the House of Representatives on January 30, 1995. This bill is much more sweeping than the previous two in that it would not only establish English as the official language of the government but also as the "preferred" language of communication among citizens of the United States. The National Language Act, H.R. 1005 calls for termination of bilingual education programs and the repeal of bilingual voting requirements, but also goes into much more detail about how this should be done. It is suggested that the declaration of English as the official language will result in the opposite of what it intended; instead of integration, it will promote frustration, segregation, and discrimination between those who speak English and those who do not. (JL)

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By Faith Powers

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"English as Official Language: An Act of Unification or Segregation?"

Faith Powers
JNCL-NCLIS

Currently, a number of language, including ESL and bilingual, programs are being reexamined by the new Congress and are in danger of being rescinded. Another threat is posed by four bills that have been introduced to the House of Representatives to amend title IV of the United States Code to declare English as the official language of the Government of the United States, as well as for other purposes. Two companion bills have been introduced by Senator Richard Shelby (R-AL) in the upper chamber.

The first two bills, H. R. 123 and H.R. 345, submitted by Representative Bill Emerson (R-MO) and Representative Owen Pickett (D-VA) respectively, are both entitled the Language of Government Act. They are very similar in that they recognize the ethnic, cultural, and linguistic diversity of the United States and propose the declaration of English as the official language of the United States as a means to unify the nation. The only major difference between these two bills is that H.R. 345 calls for an amendment to the Immigration and Nationality Act so that it reads, "All public ceremonies in which the oath of allegiance is administered pursuant to this section shall be conducted solely in the English language." This amendment has been prompted by some states conducting selected citizenship ceremonies in Spanish.

These bills include statements such as "the purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States" and "by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States," which

seem to indicate that they have only the best interests of the immigrants in mind. However, it only seems natural that immigrants would want to learn to speak English and even feel pressure to do so, as it is the predominant language of the United States and is seen as a means to increase one's social, economic, and political opportunities.

The reality is that, despite clauses that declare that these amendments "are not intended to discriminate against or restrict the rights of any individual in the United States" and "are not intended to discourage or prevent the use of languages other than English in any nonofficial capacity", the passing of an official language bill will indeed do just that. It will give employers and others cause to discriminate against those whose native language is not English, thus seriously undermining the rights of these citizens. The irony is that these bills do include clauses protecting citizens from being discriminated against solely because they communicate in English. It seems unlikely that anyone would be denied services, assistance, or facilities because they speak English; rather, it is those who have not yet learned English that need protection of their rights.

H.R. 739, entitled the "Declaration of Official Language Act" was submitted to the House of Representatives on January 30, 1995, by Representative Toby Roth (R-WI). This bill is much more sweeping than the previous two in that its passage would not only establish English as the official language of the government but also as the *preferred* language of communication among citizens of the United States. English would be required for personal and business communications. Furthermore, H.R. 739 proposes that the government's role include promoting and supporting the use of English for communications among U.S. citizens and that "communications by officers and employees of the Government of the United States with United States citizens shall be in English." Roth's bill may raise some important questions of

constitutionality. The state of Arizona had a similar English Only law that was ruled unconstitutional by a federal district court as it violated the First and Fourth amendments to the U.S. constitution (freedom of speech and equal protection under the law).

Equally or perhaps even more disturbing is that H.R. 739 seeks to reform the naturalization requirements of the United States. Indeed, it is the duty of U.S. citizens "to read, write, and speak English to the extent of their physical and mental abilities." Section 165 states that the Immigration and Naturalization Service will (1) enforce the established English language proficiency standard for all applicants for United States citizenship, and (2) conduct all naturalization ceremonies entirely in English.

Roth's bill also would repeal Title VII of the Elementary and Secondary Education Act of 1965, which covers bilingual education, and Section 203 of the Voting Rights Act of 1965, which provides bilingual ballots in communities where there are high concentrations of non-English speaking residents. With something as important as voting we want citizens to make intelligent and informed decisions, and bilingual ballots provide them with this opportunity. If ballots are to be provided solely in English, minorities will be less inclined to vote, and those that do may not completely understand what it is that they are voting on. Moreover, bilingual education programs integrate immigrants into our society quickly and efficiently. If these programs are removed, what steps will be taken to educate these people and teach them English? This is something that the bill has yet to address.

On February 21, 1995, yet another bill, known as the National Language Act, was introduced to the House of Representatives by Representative Peter King (R-NY). Like H.R. 739, H.R. 1005 calls for the termination of bilingual education programs and the repeal of bilingual voting requirements, but this bill goes into much more

detail about exactly how this should be done. For instance, in addition to repealing the Bilingual Education Act, it proposes that the Office of Bilingual Education and Minority Languages Affairs be terminated and that any funds that have been provided as grants under the Bilingual Education Act and that have not been expended before the date of enactment of this bill be recaptured by the Secretary of Education and deposited in the general fund of the Treasury. This bill includes transitional provisions as well: "During the 1-year period beginning on the date of the enactment of this Act, the Secretary of Education may assist local educational agencies in the transition of children enrolled in programs assisted under the Bilingual Education Act to Special Alternative Instructional Programs that do not make use of the native language of the student."

This is not the first time that such bills have been submitted to Congress; however, with the new fiscally and socially conservative Congress, it is more likely that at least one of these bills will pass. Legislators say that they want to promote more understanding and integration between cultures, but this will be impossible if literacy, ESL, and bilingual programs are eliminated, leaving no way to educate people. In the end, a declaration of English as the official language will result in doing exactly the opposite of what it intended; instead of integration, it will promote frustration, segregation, and discrimination between those who speak English and those who do not.